

REMARKS

Reconsideration of the application in light of the following remarks is respectfully requested.

Claims 1-18 are pending. Claims 1-18 stand rejected under 35 U.S.C. § 103(a) over the Applicants' "Admitted Prior Art" in view of U.S. Published Application No. 2003/0104831 to Razavilar et al. ("Razavilar"). Applicants respectfully traverse the rejection.

Applicants respectfully submit that reference to "a prior subband receiving apparatus," (*see* Specification page 2, lines 2-25 and Fig. 14), does not constitute an admission of prior art within the ambit of 35 U.S.C. § 102.

The Razavilar reference published on June 5, 2003 from an application filed on November 30, 2001. The present application was filed on December 21, 2001 and claims priority to Japanese Application No. 2000-397646 ("the Priority Application"), which was filed on December 27, 2000. A proper claim of foreign priority was made concurrent with the filing of the present application, and the Examiner has acknowledged this claim and the receipt of a certified copy of the Priority Application.

As the filing date of Razavilar is later than the December 27, 2000 date of the Priority Application, Razavilar does not constitute prior art under 35 U.S.C. § 102 and, thus, Razavilar is not available to be used as prior art under 35 U.S.C. § 103(a). In accordance with MPEP § 201.15, filed concurrently herewith is a certified literal translation of the Priority Application (Attachment A). Support for the present claims can be found at least in the certified translation of the claims of the Priority Application. Therefore, Applicants submit that the

Examiner has not met the burden of establishing a *prima facie* case of obviousness over claims 1-8.

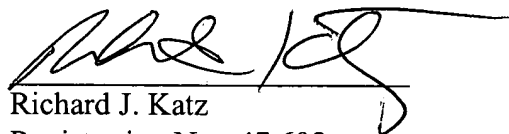
Applicants respectfully request that the rejection be reconsidered and withdrawn.

CONCLUSION

Each and every point raised in the Office Action mailed March 29, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-18 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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